

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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Ajay Bahl,

Plaintiff,

Case No. 1:14-cv-04020 (DC)(LGD)

-against-

NEW YORK COLLEGE OF OSTEOPATHIC  
MEDICINE OF NEW YORK INSTITUTE OF  
TECHNOLOGY (“NYCOM-NYIT”  
or “NYCOM”),

**DEFENDANT NYIT’S PROPOSED VOIR  
DIRE**

Defendant.

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Defendant New York Institute of Technology<sup>1</sup> (“NYIT”) respectfully requests that the Court include the following questions in the Court’s voir dire to the prospective jury.

Dated: June 4, 2024  
New York, New York

Respectfully submitted,

CLIFTON BUDD & DeMARIA, LLP  
*Attorneys for Defendant NYIT*



By: \_\_\_\_\_

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<sup>1</sup> NYIT is improperly named herein as New York College of Osteopathic Medicine of NYIT. New York College of Osteopathic Medicine, now known as NYIT College of Osteopathic Medicine, is a college of NYIT and not a separate entity.

## QUESTIONS FOR ALL PROSPECTIVE JURORS AS A GROUP

1. The Plaintiff in this case is Ajay Bahl.

Is anyone acquainted with the Plaintiff?

YES \_\_\_\_\_ NO \_\_\_\_\_

2. The Defendant in this case is New York Institute of Technology (“NYIT”).

Is anyone acquainted with NYIT?

YES \_\_\_\_\_ NO \_\_\_\_\_

Is anyone acquainted with New York College of Osteopathic Medicine of NYIT or NYIT College of Osteopathic Medicine, NYIT’s medical school?

YES \_\_\_\_\_ NO \_\_\_\_\_

Is anyone acquainted with a member of the Board of Trustees of NYIT?

YES \_\_\_\_\_ NO \_\_\_\_\_

3. Does anyone have any friends or relatives who are acquainted with the Plaintiff?

YES \_\_\_\_\_ NO \_\_\_\_\_

4. Does anyone have any kind of commercial relationship or interest in NYIT?

YES \_\_\_\_\_ NO \_\_\_\_\_

5. Have you or any friends or relatives ever attended NYIT as a student?

YES \_\_\_\_\_ NO \_\_\_\_\_

6. Have you or any friends or relatives worked for NYIT?

YES \_\_\_\_\_ NO \_\_\_\_\_

7. Have you or any friends or relatives worked for the National Board of Osteopathic Medical Examiners?

YES \_\_\_\_\_ NO \_\_\_\_\_

8. Have you or any friends or relatives ever worked at a university or college?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES:

a. Where?

b. In what capacity?

9. The Plaintiff is represented by the law firms of Charny & Wheeler P.C. and Goddard Law PLLC. Trial counsel are Nathaniel Charny and Megan Goddard. Their offices are located in Manhattan. Has anyone heard of counsel for the Plaintiff?

YES \_\_\_\_\_ NO \_\_\_\_\_

10. The Defendant is represented by the law firm of Clifton Budd & DeMaria, LLP. Trial counsel are Douglas Catalano and Stefanie Toren. The firm is located in Manhattan. Has anyone heard of counsel for the Defendant?

YES \_\_\_\_\_ NO \_\_\_\_\_

11. Does anyone know any of the following people?

Please indicate "YES" or "NO" on the line next to each name.

Felicia Bruno \_\_\_\_\_

Mary Ann Achtziger \_\_\_\_\_

Jordan Thompson, Esq. \_\_\_\_\_

Dr. Nicole Wadsworth \_\_\_\_\_

Dr. Abraham Jeger \_\_\_\_\_

Dr. Lenard Adler \_\_\_\_\_

Dr. Paul Yellin \_\_\_\_\_

Dr. Mary Solanto \_\_\_\_\_

Dr. Scott Shapiro \_\_\_\_\_

Dr. David Fazzari \_\_\_\_\_

Alyssa Provenzano \_\_\_\_\_

Anthony Errichetti \_\_\_\_\_

Dr. Sergei Belkin \_\_\_\_\_

Dr. Barbara Ross-Lee \_\_\_\_\_

Catherine Flickinger, Esq. \_\_\_\_\_

Philip Kanyuk \_\_\_\_\_

Dr. Andrew Tatarsky \_\_\_\_\_

Dr. Florence Meyers \_\_\_\_\_

12. Have any of you read about this case or heard of it in any way?

YES \_\_\_\_\_ NO \_\_\_\_\_

13. Does anyone of their own knowledge have any information about this case?

YES \_\_\_\_\_ NO \_\_\_\_\_

14. This case will last for APPROXIMATELY three (3) to five (5) days. Does this time period present any serious problems for anyone?

YES \_\_\_\_\_ NO \_\_\_\_\_

15. Have you or any members of your immediate family ever had a claim for damages against anyone?

YES \_\_\_\_\_ NO \_\_\_\_\_

If you answered "NO", please go on to Question 16.

If you answered "YES", please complete the following:

What type of claim?

Did it go to court?

Did it go to trial?

Was it decided in court or settled?

Did you feel you or your family member were treated fairly?

Would that fact in any way influence you in reaching a decision in this case?

16. Do you know of any reason why it might be embarrassing to sit as a juror on this case?

YES \_\_\_\_\_ NO \_\_\_\_\_

17. Do you have any physical impairment that would make it difficult for you to sit as a juror on this case?

YES \_\_\_\_\_ NO \_\_\_\_\_

18. If you are selected as a juror in this case, you will be required to decide solely on the evidence introduced at trial and the instructions that the Judge will give you concerning the law, *whether you agree with the law or not*. Is there any reason why you could not do that?

YES \_\_\_\_\_ NO \_\_\_\_\_

19. Will you be able to follow the Judge's instructions in this case, even if you feel sorry for the Plaintiff?

YES \_\_\_\_\_ NO \_\_\_\_\_

20. If you were one of the parties to this case, is there any reason why you would not be content to have the case tried by someone in your frame of mind?

YES \_\_\_\_\_ NO \_\_\_\_\_

21. Do you know of any reason why you think that you could not render an impartial verdict in this case?

YES \_\_\_\_\_ NO \_\_\_\_\_

22. Do you or an immediate family member suffer from a physical or mental impairment?

YES \_\_\_\_\_ NO \_\_\_\_\_

If you answered "NO", please go on to Question 23.

If you answered "YES", please complete the following:

Is the impairment ADHD?

YES \_\_\_\_\_ NO \_\_\_\_\_

How long ago were you or the immediate family member diagnosed with the impairment? \_\_\_\_\_

Did you or your immediate family member receive any type of special education or accommodation from an educational institution because of the impairment?

YES \_\_\_\_\_ NO \_\_\_\_\_

Did you or your immediate family member ever receive an accommodation from an employer because of the impairment?

YES \_\_\_\_\_ NO \_\_\_\_\_

23. Are you currently employed?

YES \_\_\_\_\_ NO \_\_\_\_\_

If you answered "NO", please go on to Question 24.

If you answered "YES", please complete the following:

How long have you been with the employer? \_\_\_\_\_

What is your present position? \_\_\_\_\_

What are your responsibilities? \_\_\_\_\_

24. Do you believe that your employer treats you fairly?

YES \_\_\_\_\_ NO \_\_\_\_\_

25. Have you ever attended college or a university?

YES \_\_\_\_\_ NO \_\_\_\_\_

If you answered "NO", please go on to Question 26.

If you answered "YES", please complete the following:

What college or university did you attend? \_\_\_\_\_

Did you receive a degree? \_\_\_\_\_

What is the highest level of education that you have achieved? \_\_\_\_\_

Where did you receive your highest level degree? \_\_\_\_\_

26. Do you believe that your college or university treated you fairly?  
YES \_\_\_\_\_ NO \_\_\_\_\_
27. Have you or any friend or family member ever been involved in an employment or public accommodation discrimination lawsuit or administrative proceeding?  
YES \_\_\_\_\_ NO \_\_\_\_\_
- If you answered "NO", please go on to Question 28.
- If you answered "YES", please complete the following:
- What happened? \_\_\_\_\_
- Do you remember who won? \_\_\_\_\_
- If the plaintiff won, do you remember what the monetary award was? \_\_\_\_\_
- Did you think it was fair? \_\_\_\_\_
28. As a general matter, do you believe that colleges or universities ordinarily treat students fairly?  
YES \_\_\_\_\_ NO \_\_\_\_\_
29. Do you believe that merely because a college or university is a party, or that a student is a party, that it will make a difference in your determination?  
YES \_\_\_\_\_ NO \_\_\_\_\_
30. As a general matter, do you believe that employers ordinarily treat employees fairly?  
YES \_\_\_\_\_ NO \_\_\_\_\_
31. Do you believe that merely because an employer is a party, or that an employee is a party, that it will make a difference in your determination?  
YES \_\_\_\_\_ NO \_\_\_\_\_



### INDIVIDUAL QUESTIONS FOR THE JURORS

1. How long have you lived in New York?  
*(If less than three years, inquire about previous residence)*
2. Are you married? Is your spouse employed, and if so, how? Do you have any children?  
How old? Are any employed? What do they do?
3. Are you a member of any organizations?
4. Do you have any prior jury service? Was it a criminal or a civil case?  
*(If a criminal case:)*
5. Do you understand that although the government in a criminal case is required to prove the defendant's guilt "beyond a reasonable doubt," a plaintiff in a civil case must prove his case by a "preponderance of the evidence?"
6. Were you ever a witness in a case? Civil or criminal?
7. Do you believe that you can sit fairly and impartially in this case?